

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MICHELLE GORE,

Plaintiff,

v.

NEW PRIME, INC., ACE  
AMERICAN INSURANCE  
COMPANY, and TYLER LEE  
COOPER,

Defendants.

Civil Action File No. \_\_\_\_\_

**DEFENDANTS NEW PRIME, INC.'S NOTICE OF REMOVAL**

COMES NOW, New Prime, Inc. (hereinafter "Defendant"), named defendant in the above-styled action, and files this Notice of Removal, respectfully showing this Court the following facts:

**1.**

Plaintiff filed suit against the above named defendants in the State Court of Fulton County, State of Georgia. This suit is styled as above and numbered Civil Action File No. 22EV001897. (*See generally* Plaintiff's Complaint).

**2.**

This is a negligence action in which, based on the face of the Complaint and

based on a demand letter dated July 1, 2021, involves an amount in controversy in excess of \$75,000.00. (Plaintiff's Complaint, ¶¶37-38).

**3.**

This Notice of Removal is filed within 30 days of this Defendant's notice of the Complaint pursuant to the requirements of 28 U.S.C. § 1446(b)(1).

**4.**

According to the Complaint, Plaintiff appears to be domiciled in and a resident of the Georgia. (Plaintiff's Complaint at ¶ 5).

**5.**

Defendant New Prime, Inc. d/b/a Prime, Inc. is a foreign corporation incorporated in Nebraska with its principal place of business located in Missouri.

**6.**

Defendant ACE American Insurance Company is a foreign corporation incorporated in and with its principal place of business located in Pennsylvania.

**7.**

Defendant Tyler Cooper is a citizen of and domiciled in South Carolina. (Plaintiff's Complaint at ¶ 8).

**8.**

Therefore, complete diversity exists between Plaintiff and every defendant. 28 U.S.C. § 1332(a)(1); *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998).

**9.**

All defendants consent to this Notice of Removal.

**10.**

Thus, as shown above, the aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code § 1332 and, accordingly, is one which may be removed to this Court by Defendant/Petitioner pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.

**11.**

This Defendant has filed its notice of filing notice of removal, a copy of which is attached hereto as Exhibit “A”. Additionally, this Defendant has attached hereto a copy of the Case Initiation Form, Complaint and Summons to Defendants ACE, Cooper and Prime as Exhibit “B”; Affidavits of Service Upon Defendants as Exhibit “C”; and Non-Resident Filings Regarding Defendant

Cooper as Exhibit "D." which are the only process, pleadings and/or order served upon it in this case. In addition, Defendants answered the lawsuit in the state court action referenced above, a copy of which is attached hereto as Exhibit "E."

WHEREFORE, Defendants pray that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 14th day of April, 2023.

Respectfully submitted,  
**SWIFT, CURRIE, McGHEE & HIERS, LLP**

*/s/ Elizabeth L. Bentley*

By: \_\_\_\_\_

ELIZABETH L. BENTLEY, ESQ.

State Bar No.: 828730

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*Attorney for Defendants*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing ***Defendant New Prime, Inc. d/b/a Prime, Inc's Notice of Removal*** upon all parties to this matter by filing same with the Clerk of Court using the CM/ECF (Pacer) system which will automatically send an electronic copy of same to all parties and counsel of record as follows:

Thomas Rainey, Esq.  
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***Attorneys for the Plaintiff***

This 14<sup>th</sup> day of April, 2023.

Respectfully submitted,  
**SWIFT, CURRIE, McGHEE & HIERS,  
LLP**

By:

/s/ *Elizabeth L. Bentley, Esq.*

ELIZABETH L. BENTLEY, ESQ.

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